

// A special meeting of the Council of the City of Lynchburg, recessed from November 22, was held on the 13th day of December, 2005, starting at 1:00 P.M., Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Absent:

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// Mayor Hutcherson read the following statement..."I am here today to participate in the transaction of the City's business. I will make a statement Friday concerning my political future. It has not been a week since a federal indictment was handed down against me. And if I'm not mistaken, there are national figures who have been indicted and are still carrying out their duties. Today we will do our duty as it relates to City Council and the business of the City of Lynchburg. Thank you."

// City Manager Kimball Payne announced that today would be the last Council meeting of Financial Services Director Mike Hill who will be retiring at the end of the year.

// Representatives of Brown, Edwards & Company, L.L.P., the City's external auditor, presented a brief overview regarding the City's Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 30, 2005. Financial Services Director Mike Hill mentioned that this was the first year that the annual financial report was completely done in-house by City staff.

// JoAnn Martin, Director of Communications and Marketing, along with Terri Proffitt, Lynch's Landing, and Treney Tweedy, Lynchburg Public Schools, provided an update regarding the efforts of a Marketing Partnership which was created with the expected outcomes of increased awareness of all marketing efforts currently underway by various agencies, the identification of cooperative marketing opportunities with the various agencies, and the creation of a City Marketing Plan based on sound marketing concepts, achievable goals, and realistic expectations. Ms. Martin informed that the Partnership is comprised of representatives from the departments of Communications and Marketing, Parks and Recreation, and the Office of Economic Development, Lynchburg City Schools, Lynch's Landing, and the Lynchburg Regional Chamber of Commerce Travel and Tourism Division. Following the presentation, Ms. Martin stated that the Partnership would like to move forward in developing a "brand" or "image" for the City, and that funds have been identified via the Economic Development Department to secure the services of a consultant, if needed, to assist in this effort. Council Member Dodson asked that City Council be provided a written report of the work session presentation.

// City Manager Kimball Payne stated that recently residents of Wyndhurst presented a petition asking Council to take steps to provide penalties for owners who fail to clean up after their dogs. Mr. Payne explained that the City Attorney has drafted a proposed ordinance to require owners to clean up after their dogs defecate on public property or private property without permission and that he is seeking authorization from City Council for the advertisement of a public hearing to receive comment on the proposed ordinance. Mr. Payne went on to say that the Police Department will not be in a position to enforce the ordinance and that in order to charge someone with a violation, the person observing the

violation must appear before the magistrate and provide the magistrate with the information necessary for the issuance of a summons or warrant. Police Chief Chuck Bennett did express some concern regarding the proposed ordinance and its potential impact on the Police Department. Following discussion, City Council asked that the penalty for the violation of the ordinance be changed from a "class 4 misdemeanor" to a \$50 fine, and that a public hearing be advertised and scheduled for the January 10, 2006, Council meeting.

// At 1:55 p.m., City Council recessed the meeting to attend a Lynchburg Police Department swearing in ceremony in the Council Chambers. The meeting was reconvened at 3:00 p.m.

// Fire Chief Buddy Martinette, Deputy Fire Chief Brad Ferguson, and Master Fire Fighter Jason Campbell provided an overview regarding the Lynchburg Fire & EMS Department Standard of Response Cover report dated October 2005. Fire Chief Martinette explained that the report defines the Lynchburg Fire & EMS Department's written policies and procedures that established distribution and concentration of fixed and mobile resources for the fire and EMS agency. Fire Chief Martinette went on to say that the Fire Department has applied for accreditation through the Commission on Fire Accreditation International and that adoption of the Lynchburg Fire & EMS Department Standard of Response Cover document is a critical element of the accreditation process. Following the presentation, and on motion of Council Member Helgeson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-05-153, as presented, adopting the Lynchburg Fire & EMS Department Standard of Response Cover report dated October 2005:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// Project Manager Jim Talian along with Ken Jandura, with the architectural firm DMJM Design, provided an overview regarding two reports prepared by the planning and design team developing the plans for the new Juvenile and Domestic Relations Court facility. Mr. Jandura explained that the first report is the architectural program for the facility and is a milestone in planning the facility as it focuses and refines the master plan to get a better handle on spatial relationships and costs, and that the second report is an evaluation of the old federal courthouse on Main Street. Mr. Jandura stated that after a thorough analysis of the requirements for the court facility and the condition of the present building, the architects conclude that the renovation of the old federal courthouse would be more costly than building a new building on Court Street. Mr. Jandura went on to say that since building a new J&DR Courthouse on Court Street would cost about \$10.2 million as opposed to renovating the old federal building at a cost of \$17 million, the design company recommended that the City build a new courthouse, saving \$6.7 million in project costs. Mr. Jandura also noted that a new facility would provide the opportunity to co-locate all the City's court agencies in one location and provide for future expansion to handle the system's growing needs and the possible implementation of a new Family Court system. Following discussion, City Council reached consensus to continue planning for a new facility on Court Street.

// Parks and Recreation Director Kay Frazier presented a plan of action to address the needs of the athletic fields in the City Schools and park system. Ms. Frazier explained that staff is recommending the formation of a joint City Council and School Board Task Force comprised of two members of City Council, two members of the School Board, the City Manager, Superintendent of Schools, Director of Parks and Recreation, Director of Buildings and Grounds and the Director of Facilities and Transportation. Ms. Frazier went on to say that the goals of the Task Force would be to develop a long range plan for improvement and development of athletic fields, solicit public input, develop a ten year capital implementation plan, and consider merging management and maintenance operations for athletic fields. Ms. Frazier noted that a work group of City/Schools staff consisting of the Park Services Manager, Facilities Supervisor, Athletics Supervisor, Park Operations Coordinator, and LSC Assistant Director of Grounds would also be formed to support the work of the Task Force, and that the Task Force is working towards having final recommendations presented to City Council and the School Board in April 2006. Following discussion, City Council gave its approval to the formation of the Task Force, and Mayor Hutcherson announced that he is appointing Council Members Dodson and Johnson to serve on the Task Force.

// City Manager Kimball Payne explained that during City Council's work session on October 25, it was agreed that an appropriate approach to examining a restructuring of the City Tourism Program would include a two year renewal of the current agreement with the Lynchburg Regional Chamber of Commerce (LRCC) subject to certain modifications to ensure accountability and transparency of program operations and costs, and that the two year period would be used to design an appropriate structure for a sustained Tourism Program. Mr. Payne then provided an overview regarding a Tourism Program Proposal, which includes the components of a revised lease and operating agreement with LRCC, the development of a new structure for the Tourism Program, and the formation/structure of an Oversight Committee to oversee the effort to develop a new Tourism Program. Following the presentation, City Council briefly discussed the restructuring of the Tourism Advisory Council and agreed that although City residence would not be a requirement to serve on the Tourism Task Force, at least three quarters of the members of the Task Force shall be either City residents or owners of a stakeholder business in the City.

// City Traffic Engineer Gerry Harter presented a final draft of the Neighborhood Traffic Management Plan, explaining that the latest revisions includes all of the edits made by the Physical Development Committee. Following discussion, City Council asked that page A-6 referencing a speed watch program be deleted from the Plan. On motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted the Neighborhood Traffic Management Plan, as revised with the deletion of page A-6:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// During roll call, and in response to Council Member Helgeson's inquiry, City Manager Kimball Payne stated that the Capital Improvements Program would be included with the proposed budget. Council

Member Gillette asked that following the FY2007 Budget process, that City Council discuss going to an annual assessment of real property in the City. Council Member Johnson stated that he picked up an award the City received at the recent National League of Cities conference in Charlotte. Council Member Dodson inquired regarding recent vandalism on Jefferson Street, and street lights being out at 9th and Jefferson Streets and at the corner of 5th and Main Streets. Vice Mayor Foster also commented that she became aware of vandalism in the vicinity of Dearing Street involving the use of paintball guns at a recent neighborhood watch meeting. Mayor Hutcherson stated that he would like City Council to consider a meeting with the Bedford County Board of Supervisors similar to the one held each year with the Campbell County Board.

// The meeting was adjourned at 6:06 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of December, 2005, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Johnson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Mayor Hutcherson read the following statement..."I am here today to participate in the transaction of the City's business. I will make a statement Friday concerning my political future. It has not been a week since a federal indictment was handed down against me. And if I'm not mistaken, there are national figures who have been indicted and are still carrying out their duties. Today we will do our duty as it relates to City Council and the business of the City of Lynchburg. Thank you."

// City Manager Kimball Payne announced that today would be the last Council meeting of Financial Services Director Mike Hill who will be retiring at the end of the year.

// Copies of the minutes of the November 22 (two meetings), 2005 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Refuse, City Council Report #2 was considered. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-154, as presented, amending the FY 2006 Solid Waste Management Operating Fund budget and appropriating \$13,437, fully reimbursable, for the continuation of litter control and recycling activities:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Recreation - Stadium, City Council Report #3 was considered. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-05-155, as presented, authorizing the City Manager to execute the revised Memorandum of Understanding between the Lynchburg Baseball Corporation and City Council:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// Mayor Hutcherson and Vice Mayor Foster on behalf of City Council recognized and presented certificates to the graduates of the City's third Citizens Academy. Dr. Scott Garrett on behalf of the Citizens Academy presented the City with a \$5,000 grant to be used by the City for marketing efforts.

// In the matter of Schools, a public hearing was held regarding City Council Report #4 regarding amending the FY 2006 Operating Budgets for the General, Schools Operating and Schools Capital Projects Funds to appropriate Schools FY 2005 return of unexpended fund balance. Financial Services

Director Mike Hill along with Lynchburg School Board Chair Julie Doyle provided an overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Gillette expressed appreciation for the Schools recommendation to set aside some of these funds to help address future athletic facility needs that are identified by the task force. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-156, as presented, appropriating \$5,188,366 in Schools FY 2005 unexpended fund balance to the Schools FY2006 Operating Budget:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning – Community Development, a public hearing was held to receive citizen input regarding the annual housing and non-housing goals within the 2005-2010 Community Development Consolidated Plan. Administrative and Grants Coordinator Melva Walker provided a brief overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Mayor Hutcherson announced that no action is required by City Council at this time.

// In the matter of Community Planning – Community Development, a public hearing was held regarding City Council Report #6 regarding reallocating \$10,000 of FY 2003 HOME Program funds to the Cornerstone Rental Housing project. Administrative and Grants Coordinator Melva Walker provided a brief overview regarding the request. Lynchburg Neighborhood Development Foundation Executive Director Laura Dupuy spoke in support of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Ms. Dupuy stated that Cornerstone would be the first permanent housing facility in the region available to the general population of disabled homeless persons. On motion of Council Member Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-05-157, as presented, approving the reallocation of \$10,000 of FY2003 HOME Program funds to the Cornerstone Rental Housing project:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, City Council Report #7 regarding a request from the Lynchburg College Emergency Services (LCEMS) to seek a license from the Commonwealth of Virginia to operate as a Basic Life Support (BLS) non-transport agency was considered. City Manager Kimball Payne provided a brief summary of the request. In response to Council questioning, Danielle DiFranco, Chief of LCEMS, stated that service would be provided to Lynchburg College properties only since the College's insurance only covers College-owned property. On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-05-158, as presented, approving

the request of the Lynchburg College Emergency Services (LCEMS) to seek a license from the Commonwealth of Virginia to operate as a Basic Life Support (BLS) non-transport agency:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Taxicabs, City Council Report #8 regarding a request from Mr. Stanley R. Williams, Sr., for a Certificate of Public Convenience and Necessity to operate a taxicab company in the City was considered. City Manager Kimball Payne provided a brief summary of the request. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-159, as presented, approving the issuance to Mr. Stanley R. Williams, Sr., a Certificate of Public Convenience and Necessity to operate a taxicab company in the City:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Water, City Council Report #9 regarding endorsing an application for a grant to assist in regional water supply planning was considered. City Manager Kimball Payne provided a brief summary of the request. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-160, as presented, endorsing an application for a grant to assist in regional water supply planning:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code, City Council Report #10 regarding amending the City Code relating to City Contracts and Procurement was considered. City Manager Kimball Payne provided a brief summary of the request. On motion of Council Member Helgeson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-05-161, as presented, amending the City Code relating to City Contracts and Procurement:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code, City Council Report #11 was considered. On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-05-162, as presented, amending the City Code to allow citizens to remove signs that are illegally placed in the public rights-of-way:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works – Refuse/City Code, City Council Report #12 was considered. On motion of Council Member Helgeson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-05-163, as presented, amending the City Code to reduce the Common Goods Fee from the current level of \$5.00 per month per household to \$4.40 per month per household effective January 1, 2006:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Council, City Council Report #12A was considered. On motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Resolution #R-05-164, as presented, approving the donation of four (4) police vehicles and a stump grinder to Mississippi Gulf Coast communities identified by the John C. Stennis Institute of Government at Mississippi State University:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and to consider the acquisition of real property because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City pursuant to Section 2.2-3711(A)(1) and (3), respectively, Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Johnson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Vice Mayor Foster, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Gillette, Council by the following recorded vote re-appointed Tara West, Shanda Rowe, Ruth Richardson, Mary Payne, Celilia Hull, Jeff Helgeson, Vice Chair, and Michael Gillette, Chair, to serve on the Community Development Advisory Committee for terms to expire December 31, 2006:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote re-appointed Jane W. Bacon to serve on the Planning Commission for a term to expire December 31, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Sharon R. Oglesby and Meriwether A. Sale to serve on the Planning Commission for terms to expire December 31, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Council Member Jeff Helgeson to serve on the Community Services Board for a term to expire December 31, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote reappointed Frank C. Britt to serve as a Sister City Liaison between the Sister Cities and the City of Lynchburg for a term to expire December 31, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Dodson, Council by the following recorded vote reappointed Charles S. Nowlin, Jr., Chair, and Donald Banker to serve on the Lynchburg Regional Airport Commission for terms to expire December 31, 2008:

Ayes: Dodson, Foster, Johnson, Seiffert, Hutcherson 5

Noes: Gillette, Helgeson 2

On nomination of Council Member Gillette, Council by the following recorded vote appointed George L. Foster, Sr., to serve on the Design Review Board for a term to expire December 31, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was adjourned at 9:35 P.M.

Clerk of Council